

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 29 FEBRUARY 2024

The following document is the minutes of the Ordinary Council meeting held **29 FEBRUARY 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 14 March 2024 and therefore subject to change. Please refer to the minutes of 14 March 2024 for confirmation.

PRESENT

Cr Rhonda Hoban OAM (Mayor)
Cr Martin Ballangarry OAM
Cr Susan Jenvey
Cr Troy Vance

Cr James Angel
Cr Ricky Buchanan
Cr David Jones
Cr John Wilson (Deputy Mayor)

ALSO PRESENT

Bede Spannagle (General Manager)
Keith Williams (Acting Director Engineering Services)
Evan Webb (Chief Financial Officer)
Suzanne Sullivan (Minute Secretary)

Matthew Sykes (Director Corporate Services)
Daniel Walsh (Manager Development Environment)
Rochelle McMurray (Minute Secretary)

APOLOGIES

Cr Trevor Ballangarry

ACKNOWLEDGMENT OF COUNTRY

I would like to acknowledge the Gumbaynggirr people who are the Traditional Custodians of this Land. I would also like to pay respect to the elders both past and present and extend that respect to any Aboriginal People present.

COUNCIL MEETING AUDIO RECORDINGS

This meeting is being webcast and those in attendance should refrain from making any defamatory statements

PRAYER

Pastor Marshall Hodgekiss from the Christian Action Church Macksville, offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Nil

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CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 15 FEBRUARY 2024

51/24 **RESOLVED:** (Wilson/Vance)

That the minutes of the Ordinary Council Meeting of 15 February 2024 be confirmed.

NOTICE OF MOTION - CR JENVEY

ITEM 5.1	SF3422	290224	Notice of Motion - Request for Leave 3 to 30 March 2024 - Cr Susan Jenvey
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52/24 **RESOLVED:** (Jenvey/Buchanan)

That Cr Susan Jenvey be granted leave of absence in accordance with Section 234(d) of the Local Government Act for the period of 3 to 30 March 2024 inclusive.

PUBLIC FORUM

RECOMMENDATION

That the following Public Forum be heard:

i Wendy Firefly – horticulture and blueberry farming

PUBLIC FORUM

i Wendy Firefly addressed Council with notes placed on 10108/2024 SF 3424.

ASKING OF QUESTIONS WITH NOTICE

There were no questions with notice.

QUESTIONS FOR CLOSED MEETING WHERE DUE NOTICE HAS BEEN RECEIVED

There were no questions for Closed Meeting where due notice has been received.

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GENERAL MANAGER REPORTS

ITEM 9.1 SF959 290224 Outstanding Actions and Reports

53/24 **RESOLVED:** (Wilson/Angel)

THAT the list of outstanding actions and reports be noted and received for information by Council.

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF1620 290224 Delivery Program and Operational Plan Update

54/24 **RESOLVED:** (Jenvey/Buchanan)

That Council note the status of the Delivery Program and Operational Plan as at 31 December 2023.

ITEM 10.2 SF1415 290224 Minutes of the Audit, Risk and Improvement Committee
Meeting held 17 January 2024

55/24 **RESOLVED:** (Wilson/Buchanan)

1 That Council receive and note the following recommendations from the Audit, Risk and Improvement Committee Meeting held 17 January 2024:

a) That the Committee confirm the Minutes of the Meeting held 11 October 2023.

b) Progress Update on External Audit Findings

That the Audit Risk and Improvement Committee note the Management Letter on the Final Phase of the Audit for the Year Ended 30 June 2023 from the Audit Office of New South Wales which states that there is one prior year matter not resolved by management (Issue 1 - Project costing methodology - Low Risk) and two current year matters raised (Issue 1 Financial reporting process – Medium Risk and Issue 2 IT policies and procedures – Medium Risk).

c) Progress update on findings from Internal Audits

That the reports on the previous Internal Audit Reviews be received and noted.

d) Information and Communication Technology Incident Reviews

That the Summary of ICT incidents January 2023 to December 2023 report be received and noted.

e) Enterprise Risk Management Plan and Risk Control Action Plan Updates

That Council note the report on the Enterprise Risk Management Plan and Risk Control Action Plan Updates.

f) Statement of Business Ethics

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That the revised Statement of Business Ethics policy be referred to Council for approval.

g) CONFIDENTIAL - Matters Regarding Realised or Potential Losses

That the information concerning incidents where there is a realised or potential loss of funds and/or reputation be received.

h) Update on 2023/24 Service Reviews

That the Audit Risk and Improvement Committee note the appointment of Centium Pty Ltd to undertake the 2023/24 Service Reviews of Animal Control, Noxious Plants, and Public Toilets.

i) Revised Audit, Risk, Improvement Committee Terms of Reference

That the Audit, Risk Improvement Committee endorses that the Terms of Reference for Nambucca Valley Council Audit, Risk and Improvement Committee be referred to Council for approval.

j) Review of Investment Policy CS08 and Investment Strategy CS04

That the Audit Risk and Improvement Committee endorse that:

1 Council continue with the current Investment Policy

2 The Arlo Advisory Monthly Investment Review be adopted as the new Investment Strategy and reflected as such in the Investment Strategy Procedure CS 04.

3 The Committee strongly recommends Council consider the preparation of a fossil fuel divestment policy.

k) September 2023 Quarterly Budget Review

That the Audit Risk and Improvement Committee note the budget review for the quarter ended 30 September 2023.

- 2 That Council approve the revised Statement of Business Ethics Policy G 07 as attached per the Committee's recommendation.**
 - 3 That Council approve the Terms of Reference for Nambucca Valley Council Audit, Risk and Improvement Committee as attached per the Committee's recommendation.**
 - 4 That Council approve continuing with the current Investment Policy CS 08 as attached per the Committee's recommendation.**
 - 5 That Council review the Buy Local Procurement Policy, the Procurement of Goods and Services Policy and any other related policies and procedures once the Office of Local Government's revised procurement guidelines are released and pending the finding of the State Government's Inquiry Into Procurement Practices of Government Agencies in NSW and it's Impact on the Social Development of the people of NSW.**
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ITEM 10.3 SF3358 290224 Investment Report to 31 January 2024

56/24 **RESOLVED:** (Angel/Jenvey)

THAT Council:

- 1 Note the Chief Financial Officer's report on Investments for the period January 2024.
- 2 Adopt the certification of the Responsible Accounting Officer for the period of January 2024.

ITEM 10.4 SF3400 290224 December 2023 Quarterly Budget Review

57/24 **RESOLVED:** (Jones/Wilson)

THAT:

- 1 The budget review for the quarter ended 31 December 2023 be received.
- 2 The recommended increases and decreases in votes be included as subsequent votes for the financial year 2023/24.

ITEM 10.5 SF251 290224 Schedule of Council Meetings - 29 February 2024 to 11 July 2024

58/24 **RESOLVED:** (Jones/M Ballangarry)

THAT Council note the schedule of meeting dates for 29 February 2024 to 11 July 2024.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 SF3410 290224 Undetermined Development Applications greater than 12 months, where submissions have been received, or where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under staff delegation

59/24 **RESOLVED:** (Angel/M Ballangarry)

THAT Council note the information on undetermined development applications greater than 12 months, or where submissions have been received to 21 February 2024, and development applications determined from 6 February 2024 to 21 February 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

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DIRECTOR ENGINEERING SERVICES REPORTS

ITEM 12.1 SF90 290224 Minutes of the Nambucca Valley Traffic Committee Meeting -
13 February 2024

60/24 **RESOLVED:** (Angel/Wilson)

THAT Council:

- 1 **Alter the AM time restriction on the erected Bus Zone signs situated in front of Bowraville Police Station to 7:00am-11:30am and 2pm to 6pm to accommodate a later bus service of 11:16am.**
- 2 **Install overnight free camping for caravans and other camping vehicles on:**
 - a) **The southern side of Cook Street, Bowraville, subject to advising parking between the hours of 5.00 pm to 8.00 am during school days.**
 - b) **Belmore Street, east of the laneway to the corner of Cook Street, subject to restricting parking between the hours of 5.00 pm to 8.00 am during school days.**
- 3 **Note that the free overnight vehicle camping on Cook Street and Belmore Street, Bowraville is subject to a 12 month trial period with a report to be presented to the Local Traffic Committee outlining outcome of trial.**

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

61/24 **RESOLVED:** (Buchanan/M Ballangarry)

- 1 **That Council consider any written representations from the public as to why the Meeting should not be Closed to the public.**
- 2 **That Council move into Closed Meeting to discuss the matters for the reason(s) listed below.**

Reason reports are in Closed Meeting:

DIRECTOR ENGINEERING SERVICES REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3398 290224 Tender for the installation of two sewerage overflow storage
tanks at Macksville

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

For Confidential Business Paper in Closed Meeting

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ITEM 13.2 SF247 290224 Panel Contract for the Supply of Pressure Sewerage Pump Stations and Associated Equipment.

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

For Confidential Business Paper in Closed Meeting

ITEM 13.3 SF3420 290224 T007/2023 - Tender for Provision of Security Services

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

For Confidential Business Paper in Closed Meeting

ITEM 13.4 SF3420 290224 Matters Regarding Realised or Potential Losses

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (g) of the Local Government Act, 1993, on the grounds that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6:12PM.

RESUME IN OPEN MEETING

62/24 **RESOLVED:** (Jones/Buchanan)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 6:49PM.

FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

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DIRECTOR ENGINEERING SERVICES REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3398 290224 Tender for the installation of two sewerage overflow storage tanks at Macksville

63/24 **RESOLVED:** (Jones/Jenvey)

THAT Council:

- 1 **Accept the tender submitted by AJ Civil Projects Pty Ltd for the amount of \$456,738.70 inclusive of GST to install sewerage overflow storage tanks at two pump station sites in Macksville.**
- 2 **Update the Contract Register.**
- 3 **Authorise the General Manager to negotiate and approve any contract variation regarding relocation of the electricity supply.**

Upon being put to the meeting, the motion was declared carried.

For the Motion:	Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry, Vance and Wilson
	Total (8)
Against the Motion:	Nil
	Total (0)

For Confidential Business Paper in Closed Meeting

ITEM 13.2 SF247 290224 Panel Contract for the Supply of Pressure Sewerage Pump Stations and Associated Equipment.

64/24 **RESOLVED:** (Angel/Wilson)

THAT Council

- 1 **Endorse the use of the panel contract for the supply of pressure sewerage systems and associated equipment as arranged by Clarence Valley Council with Nambucca Valley Council as a nominated party.**
- 2 **Note that the panel of suppliers shall comprise of Enviro One Services and Installations Pty Ltd and Aquatec Fluid Systems Pty Ltd.**
- 3 **Authorise the General Manager to add Beck Water Pty Ltd to the panel of suppliers if further operational experience with the offered unit indicates it is advantageous to Council.**

Upon being put to the meeting, the motion was declared carried.

For the Motion:	Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry, Vance and Wilson
	Total (8)
Against the Motion:	Nil
	Total (0)

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For Confidential Business Paper in Closed Meeting

ITEM 13.3 SF3420 290224 T007/2023 - Tender for Provision of Security Services

65/24 **RESOLVED:** (Angel/Wilson)

THAT Council:

- 1 Accept the tender submitted by MME Security for Tender T007/2023 for the amount of \$306,379.26 inclusive of GST for the provision of security services for 3 years.**
- 2 Update the Contracts register.**

Upon being put to the meeting, the motion was declared carried.

For the Motion:	Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry, Vance and Wilson
	Total (8)
Against the Motion:	Nil
	Total (0)

For Confidential Business Paper in Closed Meeting

ITEM 13.4 SF3420 290224 Matters Regarding Realised or Potential Losses

66/24 **RESOLVED:** (Buchanan/Angel)

THAT Council note the information concerning incidents where there is a realised or potential loss of funds and/or reputation.

CLOSURE

There being no further business the Mayor then closed the meeting the time being 6:55 PM.

Confirmed and signed by the Mayor on 14 March 2024.

Cr Rhonda Hoban OAM
MAYOR
(CHAIRPERSON)